Copy to Mysore State (with Enclosures)

GOVERNMENT OF MADRAS.

Sectt. II-23—50,006—12-6-53.

Home (1953) Department.

Endorsement
D.O.
Memorandum
Lodged

No. 78561 Transport IV/53-3

Dated 11 — 8 — 1953

FURTHER PAPERS.

Department.	Number.	Series.	Date.

FOR MYSORE STATE

(P) 5/E)

ABSTRACT

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Home Department

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Memorandum No. 78561 Transport IV/53-3 Dated 11-8-1953.

Sub:-- Motor Vehicles - Taxation - Compensation to local bodies in lieu of magisterial fines collected under Madras Motor Vehicles Taxation Act 1931 - Payment.

Ref:-- 1. From the District Magistrate, West Godavari letter No. Roc.C.4. 1933-M-48 Dated 8-3-1953.
2. From the President, District Board, Coimbatore Roc.No. 20020/D1/53 Dated 16-6-1953.
3. From the Inspector Municipal Councils and Local Boards L.Dis. 29629/53-G5 dated 8-5-1953.

Under section 10 of the Madras Motor Vehicles Taxation Act, 1931, the net proceeds of the tax collected under the Act have to be distributed among local bodies, the cantonment authorities and the Government in proportion to their average annual income from tolls and vehicle tax on motor vehicles during the three years ending 31-3-1931. Under Section 7 of the Act, fines are levied for offences under the Madras Motor Vehicles Taxation Act, 1931. There is no provision in the Madras Motor Vehicles Taxation Act, 1931, for the payment to local bodies of the fines levied under the Act. As the actual proceeds from the motor vehicles tax had fallen short of the income originally estimated, the local bodies and the other concerned authorities sustained a net loss on account of the abolition of tolls from 1-4-1931 by the enactment of the Madras Motor Vehicles Taxation Act, 1931. In order to make good this loss to some extent, the Government decided in 1933 to give grants equivalent to the fines realised by prosecutions under the Madras Motor Vehicles Taxation Act, 1931. The payment of the grants was made with effect from 1933-34 along with the compensation payable under section 10 of the Act. From 1941-42 additional toll compensation was paid to local bodies to make good, as far as State finances permitted, the difference between the maximum toll compensation payable to them under the Madras Motor Vehicles Taxation Act, 1931 and the amount actually available for distribution to them from the receipts of the motor vehicles tax. The payment of grant in lieu of fines sanctioned in G.O.Ms. No. 3309 L & M dated 17-8-1933 was therefore discontinued so long as additional toll compensation was paid vide G.O.Ms. No. 3774, Home dated 15-10-1942. Subsequently, as the income from Motor Vehicle tax was on the increase, the Government were able to pay the statutory maximum toll compensation to local bodies from the year 1948-49 and therefore the payment of additional compensation was discontinuad from that year.

2. In the circumstances, the District Magistrate, West Godavari is informed that the question of payment of compensation in lieu of fines for the year 1947-48 to the Bhimavaram and Akividu Panchayat Boards does not arise.

p.t.o.....

3. In the circumstances, the President, District Board, Coimbatore, is informed that the question of payment of grant in lieu of fines levied under the Madras Motor Vehicles Taxation Act, 1931, from 1948-49 does not arise.

G. Gopalakrishna Naidu,
Deputy Secretary to Government.

To
The District Magistrate, West Godavari (Paras 1-2 only).
The President, District Board, Coimbatore
(Paras 1 and 3 only).
Copy to Andhra State (with enclosures).
Copy to the Mysore State (with enclosures).
Copy to the Inspector of Municipal Councils and Local Boards, Madras, Madras.
Copy to Local Administration Department.
Copy to Finance (Expenditure-A) (with enclosures)

/Forwarded/By order/

Superintendent.

b/13-8.

Copy of letter No. Roc.C.4.1933-M-48 Dated 8-3-1953 from the District Magistrate, West Godavari, Eluru to the Secretar, to the Government of Madras, Local Administration Department.

Sub:-- Fines Magisterial fines - West Godavari District ompensation to local bodies in lieu of Magisterial fines collect under M.V.T. Act during 1947-48 - Sanctinn - Orders Requested.

Ref:-- Accountant General's No.T.6-Judl.1-879 and T.6- Judl-1 880 dated 23-2-1953.

The amounts of Rs. 35/- and 10/- were collected towards fines under M.V.T. Act in respect of Bhimavaram and Akividu Panchayat Board respectively. These amounts relate to the year 1947-48. Under Article 306 of M.F. Code Volume I Government's sanction is required for the payment of the above amounts. I, therefore request that these amounts may be sanctioned to be paid to the local bodies concerned and orders communicated to me at an early date.

Copy of letter Roc.No. 20020/D1/53 Dated 16-6-1953 from the President, District Coimbatore, Coimbatore to the Secretary to the Government of Madras, Home Department.

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Sub:-- Motor Vehicles - Taxation - Grant in lieu of fines - renewal of.

Ref:-- G.O.No. 3774 Home Dated 15-10-1942.

In order to make good theloss incurred by District Boards on account of the abolition of tolls, the Government were paying from 1933-34 grants equivalent to the fines realised by prosecutions under the Motor Vehicles Taxation Act. However from 1941-42 when additional toll compensation was being paid, the grant in lieu of fines collected was ordered to be temporarily discontinued, so long as the additional toll compensation was paid. The additional toll compensation was discontinued in 1948-49, but the grant in lieu of fines was not received from that year. I therefore xxx request that the grant in lieu of fines xxxx levied under the Motor Vehicles Taxation Actmay be ordered to be paid from 1948-49.

/True copies/

Superintendent.

HOME DEPARTMENT

Motor Vehicles - Taxation - Compensation to local bodies in lieu of magisterial fines collected under - M.M.V.T. Act 1931 - Payment to Bhimavaram and Akividu Panchayat Boards in the West Godavari District and to the Coimbatore District Board.

From the Collector of West Godavari No. Roc. C.4.1933/M/48, dated 8-3-1953..
(Issued as Endorsement No. 121612 L.A. Dated 14-3-1953).
From the Accountant General, Madras No.T.6/Judl./5 dated 6-4-1953.

L.A.D.

Home u.o.

xx/14-4-53.
(Issued as Endt. No. 78561 Tr.III/53-1 Home dated 24-4-1953).
From the Inspt. of Ml. Councils andLocal Board, L.Dis. 29629/53 G5, dated 8-5-1953.
From the President, District Board, Coimbatore Roc.No. 20020/D1/53, dated 16-6-1953.

Under section 10 of the M.M.V.T. Act, 1931, the net proceeds of the tax collected under the Act have to be distributed among local bodies, the contonment authorities and the Government in proportion to their average annual income from tolls and vehicle tax on motor vehicles during the three years ending 31-3-1931. Under section 7 of the Act, fines are levied for offences under the M.M.V.T. Act,1931. There is no provision in the M.M.V.T. Act, 1931 for the payment of local bodies of the fines levied under the Act. As the actual proceeds from the motor vehicles tax had fallen short of the income originally estimated, the local bodies and the other concerned authorities had sustained a net loss on account of the abolition of tolls from 1-4-1931 by the enactment of the M.M.V.T. Act, 1931. In order to make good this loss to some extent, the Government decided in 1933 to give grants equivalent to the fines realised by prosecutions under the Madras Motor Vehicles Taxation Act, 1931. The paymentof the grants were made with effect from 1933-34 along with the compensation payable under section 10 of the Act and the amount paid to each local body would bear the same proportion to the total amount to be distributed as in the case of the compensation payable under the M.M.V.T. Act, 1931. From 1941-42 additional toll compensation was paid to local bodies to make good, as far as State finances permitted, the difference between the maximum toll compensation payable to them under the M.M.V.T. Act,1931 and the amount actually available for distribution to them from the receipts of the motor vehicles tax. The payment of grant in lieu of fines sanctioned in G.O.Ms. No. 3309 L. & M. dated 17-8-1933, was therefore discontinued so x long as additional toll compensation was paid - vide G.O.Ms. No. 3774, Home dated 15-10-1942. Subsequently as the income from m.v. x tax was on the increase, the Government were able to pay the maximum statutory toll compensation (i.e. Rs. 68.34 lakhs) to local bodies from the year 1948-49 and therefore the payment ofadditional toll compensation referred to at 'A' above was discontinued from that year.

2. The Collector ofWest Godavari has requested that the amounts of Rs. 35/- and Rs.10/- collected towards fines under the M.M.V.T. Act, 1931 during the year 1947-48 may

contd.

may be sanctioned to Bhimavaram and Akividu Panchayat Board. respectively. As the payment of grant in lieu of fines sanctioned in G.O.Ms.No. 3309 L & M. dated 17-8-1933 was discontinued in October 1942, thepayment of grant in lieu offines collected in 1947-48 does not arise. The D.M. West Godavari may be informed accordingly. The draft memo submitted is for approval.

3. The President, Coimbatore District Board, has requested in his letter at p. 7 C.f. that the grant in lieu of fines collected under the M.M.V.T. Act, 1931 which was discontinued, may be ordered to be paid from 1948-49 as the payment of additional toll compensation was discontinued in 1948-49. In the circumstances explained in para 1 above the question of payment of the grant in lieu of fines from 1948-49 does not arise. The position may be explained to the President, District Board, Coimbatore. The draft memo submitted provides for this.

4. L.A. and Fin. may see for remarks, before issue.

M.B.S.
3-7-53

G.G.N.
4-7-53

L.A. Deptt.(E)

The notes of Home above and the draft memo below may be perused and the file passed on to Finance U.O.

A copy of the memo has to go to the Inspector of Ml. Councils and Local Boards. A copy of it to this department is also necessary. Necessary additions to the address entry have been made.

Sd/ Secretary
17-7-53.

Finance E.A.

The notes of Home on pp-1-3 above and the draft memo below may be perused.

2. According to the notes of Home, the payment of compensation in lieu of magisterial fines under the M.M.V.T. Act 1931 has been discontinued altogether. Under Art 306 of M.F.C. Volume I, there is a provision that "the grants on account of fines levied under the M.M.V.T. Act, 1931 should be paid under the orders of the Govt. along with, and in the same proportion as, the compensation payable to the local bodies under section 10 of the Act." Appendix 24 of M.F.C. Volume II mentions this as one of the classes of fines payable to the local bodies. Item 13 in appendix 24. These provisions were apparently introduced with reference to G.O. 3309 L & M. Dated 17-8-1953-vide p. 26 N.F. of the G.O. at (T) and they have now to be deleted. Home may, therefore, be requested to send a copy of the memo with copy of these notes for necessary action in this Department.

/True copy/

Superintendent.